

Exhibit 1

2069-4

Pages 191, 475 thru 478

1 A Well, the ODAFF records, investigator records,
2 things of that nature.

3 Q As we sit here today, you cannot identify a
4 particular instance in which an employee of Tyson
5 Foods or Cobb-Vantress or Peterson Farms or Simmons
6 or George's has land applied poultry litter within
7 the watershed?

02:46PM

8 A Not --

9 MR. GARREN: Object to the form.

10 A Not right at this moment. Well, let me think.
11 You said again -- name those integrators again.

02:46PM

12 MR. GEORGE: Can you read it back?

13 (Whereupon, the court reporter read
14 back the previous question.)

15 A Well, poultry waste within the watershed with
16 respect to George's could be identified.

02:46PM

17 Q And the distinction you're making is that
18 liquid poultry manure might not be poultry litter?
19 I'm trying to understand the point.

20 A I think the common terminology is that it's
21 the liquid waste as opposed to a dry waste.

02:47PM

22 Q Okay.

23 A But if we could just agree -- I guess we could
24 agree to not differentiate them. That would be
25 fine, too.

02:47PM

1 MR. GARREN: Object to the form.

2 A Well, that Peterson Industries was engaged in
3 the poultry business in the 1950s, as early and
4 before.

5 Q Do you agree with me that this paragraph about 01:28PM
6 Peterson Farms, you make absolutely no statement and
7 offer no opinions with regard to Peterson Farms'
8 contacts or relationship or involvement in the
9 Illinois River watershed whatsoever?

10 A There's no geographic specificity to that. 01:29PM

11 Q All right, and you would agree with me that
12 Peterson Farms has never owned or managed a poultry
13 farm in the Illinois River watershed?

14 A I don't know that to be true.

15 Q Do you know that -- do you have specific 01:29PM
16 evidence that Peterson Farms has owned or operated a
17 poultry farm in the Illinois River watershed?

18 A I do not.

19 Q Did you read the depositions taken of the
20 Peterson Farms' representatives? 01:29PM

21 A I have.

22 Q You just don't specifically recall the
23 discussion on that point?

24 A No.

25 Q Have you identified any location where 01:30PM

1 Peterson Farms, Inc., the corporation, has land
2 applied poultry litter in the Illinois River
3 watershed?

4 A I've only identified some locations where
5 material from Peterson's contract growers has been
6 applied within the Illinois River watershed.

01:30PM

7 Q Have you identified any location where
8 Peterson Farms, Inc., the corporation, has stored or
9 stockpiled poultry litter in the Illinois River
10 watershed?

01:30PM

11 A I have not.

12 Q The photograph that you produced, and it was
13 discussed briefly yesterday. I might be able to
14 point it to you. I think it's Figure 3.

15 A I think that's right. Yes, it is.

01:30PM

16 Q All right. You said disposal of poultry waste
17 from Peterson Circle Farms. What is Peterson Circle
18 Farms, sir?

19 A Peterson Circle Farms to my knowledge is a
20 contract grower for Petersons.

01:31PM

21 Q Okay. So the name of the facility is not
22 Peterson Circle Farms?

23 A Well, that's what the name says on the sign,
24 Peterson Circle Farms.

25 Q Okay. You understand that throughout poultry

01:31PM

1 company, the contract growers have a sign indicating
2 the integrator they happen to contract with that may
3 say Tyson or Simmons or George's or Petersons;
4 right?

5 MR. GARREN: Object to form. 01:31PM

6 Q Then they have the farm name on it?

7 MR. GARREN: Same objection.

8 A I'm just reporting what's on the sign.

9 Q All right. Well, let's be clear. Are you
10 representing in your report or do you intend to 01:31PM
11 represent that this farm is owned or managed by
12 Peterson Farms, Inc.?

13 A No.

14 Q Is it your intention to represent or suggest
15 to the jury that what is depicted in this photograph 01:31PM
16 is a land application being conducted by Peterson
17 Farms, Inc.?

18 A No.

19 Q Okay, and I think this photograph came up
20 yesterday when you were talking to Mr. George about 01:32PM
21 whether any specific land application had been
22 directly linked to any particular location where
23 water pollution had been identified. This land
24 application that's depicted in Figure 3 of your
25 report, were there edge of field samples taken from 01:32PM

1 that field?

2 A I can't recall as we sit here at this moment.

3 Q All right. Can you tell me whether you or
4 anyone else on the plaintiff's expert team to your
5 knowledge has drawn a direct correlation between
6 this land application depicted in Figure 3 and any
7 specific water contamination in the Illinois River
8 watershed?

01:32PM

9 MR. GARREN: Object as to form.

10 A I don't know at this time.

01:32PM

11 Q Is there anything -- strike that. Okay. Sir,
12 would you turn to Page 46 of your report, please.
13 The top of the page, do you see the sentence that
14 begins as shown in Figure 14?

15 A Yes.

01:33PM

16 Q All right. Just so we're clear, this is part
17 of your statement of your Opinion No. 19, and you
18 say, as shown in Figure 14, soils more susceptible
19 to runoff dominate in the eastern and western
20 portions of the Illinois River watershed, while
21 soils that are more susceptible to infiltration
22 dominate in the central portion of the Illinois
23 River watershed; correct?

01:33PM

24 A That's correct.

25 Q All right. Let's look at Figure 14. All

01:34PM